

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

56th Legislative Day

November 15, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Pastor Donald Pritchard, Zion Lutheran Church, Pleasant Plains, Illinois. Pastor Pritchard.

PASTOR DONALD PRITCHARD:

(Prayer by Pastor Donald Pritchard)

PRESIDENT PHILIP:

Remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 14th, in the year 2001, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the -- the arrival of the printed transcript. There being no objections, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports Senate Joint Resolution 42 Be Adopted.

And Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendment 2 to Senate Bill 88 Be Approved for Consideration.

PRESIDENT PHILIP:

Mr. Secretary, have there been any motions filed?

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SECRETARY HARRY:

Yes, Mr. President. Senator Lauzen has filed motions with respect to Senate Bills 603 and 653.

PRESIDENT PHILIP:

Mr. Secretary, the Chair requests these motions be printed on the Calendar. So ordered. We've had a request from the Illinois Information Service to film the proceedings. Is leave granted? Leave is granted. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2691.

We have a like Message on House Bill 2935.

Both passed the House, November 14th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 254, offered by Senator Sullivan and all Members.

And Senate Resolution 255, by Senator Noland and all Members. They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1533, by Senator del Valle.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bills 1st Reading.

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SECRETARY HARRY:

House Bill 2935, offered by Senator del Valle.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If the Members would turn their attention to the top of page 2, in the Order of Senate Bills 3rd Reading. ...of page 2, in the Order of Senate Bills 3rd Reading, is Senate Bill 88. Senator Rauschenberger, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return Senate Bill 88 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 88. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd appreciate adoption of the amendment. I'd be... I'd like to explain it on 3rd Reading. We're going to hear the bill today so that the House has time to act on it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is -- on the Order

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of 3rd Reading, on the top of page 2, is Senate Bill 88. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 88.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think there's not a person -- there's not a legislator elected that hasn't heard, in the last twelve to twenty-four months, from a constituent -- from a constituent who's said, "I can't understand my phone bill anymore. Besides being charged for things I never understood, there's this big line of taxes at the end and they're confusing, and I don't understand why I have to pay all these different taxes and levies." And there's not a telephone company doing business in the State of Illinois that wouldn't tell you Illinois has one of the most complicated set of local and State taxes to comply with in the country. There's been a movement across the nation over the last ten years to try to simplify and clean up telecommunication taxes to remove the administrative burden on telecommunication companies and to begin a process of simplifying bills for residents. In the State of Illinois, we have a very old tax called the municipal utility taxes that some municipalities in the State of Illinois levy. We have a newer tax that was implemented in the seventies called the -- the municipal excise tax. Municipalities that didn't impose the -- municipalities that didn't impose the municipal utility tax could then impose the municipal excise tax. They're both on telecommunications but they have different bases. The third major -- the third major issue dealt with in this bill is the

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infrastructure maintenance fee. About three years ago, the Legislature, in its wisdom, eliminated franchise fees for municipalities that they used to charge telecommunication utilities to operate within their jurisdiction. We replaced these old franchise fees with an infrastructure maintenance fee, a percentage levy on the gross receipts of the telecommunication company for doing business inside the municipality, as a replacement for that franchise fee. This bill takes all three of those levies and collapses them into a single levy that's simpler to collect. It -- it's revenue -- holds the customers revenue harmless for -- so the municipalities get the same amount of money and the customer pays the same. It collapses these three different kinds of taxes into a single tax, reduces the number of tax returns for telecommunications companies, and kind of cleans up the system and moves us ahead with states, like Michigan and Florida, that have simplified their taxes. The bill does one more thing: It cures a Supreme Court decision which found, in their -- in the Supreme Court's wisdom, that the infrastructure maintenance fee, which we passed to apply to all telecommunications, the Supreme Court ruled that it did not apply to wireless communications. This corrects the flaw in the original bill that the Supreme Court pointed out, so that we then tax all telecommunications in a technology-neutral way. The only exposure anyone would have is, there are some people who have not been paying the levy since the Supreme Court decision on telecommunications calls for the infrastructure maintenance fee, but that was the clear intent of the Legislature and it restores -- or, cures the problem that municipalities have in not being able to collect that -- that infrastructure maintenance fee. There's a lot more I could tell you about the bill. I know we want to get moving. Denny Jacobs is giving me the sign. Be happy to answer questions.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, I was looking at the -- the caps that municipalities can charge based on the population. Is that -- would that be an increase in what they can charge now, or does that have any effect at all on what they can charge now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That's not an increase. It takes the current statutes, moves them together and restates the cap, in terms of the new tax. But it's exactly the same cap structure as existed before.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Your statement is this is revenue-neutral throughout the State of Illinois, in every city and village?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The only way to -- to actually merge the MET and the MUT is to band the rates. The Department of Revenue will figure -- it has instructions for the Department of Revenue to do a formula. Within a very reasonable tolerance, within one or two percent, it is revenue-neutral to every municipality. The Illinois Municipal League worked very carefully with us on the conversion. That's not to say there isn't a municipality out there that may get

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fifteen hundred dollars less a year on a twenty-thousand-dollar base, but we think it's -- it's as close as you can get, using formulas, to revenue neutrality. The only increase in revenues for municipalities would be those municipalities that had levied it on -- on wireless communications, that had had that -- that levy struck down by the Supreme Court.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

What about the cities that hadn't -- have not levied a wireless tax? Will this automatically impose one or allow them to impose part of this tax that's being passed, this consolidation in this bill, and not the wireless tax, or is it all automatic? And does this have the effect of us raising local taxes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'm glad you asked that question. No, there is -- any municipality that doesn't levy any of these three taxes on any part of its telecommunications, does not get it automatically with the bill. They retain the same right they currently have under statute for them, as a corporate body, to pass an ordinance to levy the tax, but they would have to take local actions, just as they're permitted today under the statute, to levy the tax.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I -- I would appreciate this Body's support. I really do think this is a good piece of reform. It's good for the telecommunication companies, at a time when we want them to expand their infrastructure. It's fair to municipalities. They support

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the bill. Appreciate a positive roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall Senate Bill 88 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 7 Nays, none voting Present. And Senate Bill 88, having received the required three-fifths majority, is hereby declared passed. ...Bill 1251. Senator Thomas Walsh. Senator Walsh. Senate Bill 1261. Senator Dillard. Senate Bill 1269. Senator Luechtefeld. On the -- on the Order of Senate Bills 3rd Reading is Senate Bill 1269. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1269.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you -- thank you, Mr. -- Mr. President and Members of the Senate. Senate Bill 1269 is simply a technical change on a bill that we passed last year, House Bill 2439, dealing with the linked-deposit home (loan) collateral program initiated by the Treasurer. This simply are some -- some technical changes in definition of what, for instance, is a financial hardship and -- and those sorts of things. If there are any questions, I'd be glad to answer them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1269 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On



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that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1269, having received the required three-fifths majority, is hereby declared passed. Middle of page 2, in the Order of House Bills 3rd Reading, House Bill 934. Senator Shadid. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 934.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Yeah -- have a favorable roll call on this -- no, I'm sorry. Mr. Chairman, this is -- this is an initiative of the Secretary of State's Office. The Secretary of State's Police presently...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Could we have a little quiet on the Senate Floor, please?

SENATOR SHADID:

The Secretary of State's Police presently cannot -- cannot be given any grants from the federal government, and we're trying to change the law somewhat to make them eligible so that they can and then create a fund for any grants that they receive. So that's basically what this is. It has no impact on the budget and no taxpayer dollars locally. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 934 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And House Bill 934, having received the required three-fifths majority, is hereby declared passed. House Bill

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1829. Senator Dillard. Senator Dillard. ...will be at ease for a moment. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Executive - Senate Amendment 1 to Senate Bill 1261, House Bill 3017 and House Bill 3098; to the Committee on Licensed Activities - House Bill 2565; to the Committee on Transportation - House Bill 61; and Be Approved for Consideration - Senate Amendment 2 to House Bill 2299.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Middle of page 2, in the Order of House Bills 3rd Reading, is House Bill 1829. Senator Dillard. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1829.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation would authorize the four largest counties in Illinois - Cook, DuPage, Lake and Will - to increase filing fees, by county board resolution, for certain expenses that go to support the Judiciary of those four big counties. In Illinois, we haven't -- and these counties testified yesterday in committee, they have not increased these fees in more than a decade but, generally, their costs are up from anywhere from eighty to a hundred percent to run their judicial systems. At the same time, the burden that has been put on taxpayers and sales taxpayers -- real estate taxpayers and sales taxpayers in those areas is well over a hundred-percent increase, and the county boards of these

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four counties want the ability to bring some type of balance between user fees of litigants and lawyers, who use the courts, and real estate taxpayers, primarily. I view this as a user fee. The decision as to what the proper balance will be between lawyers and litigants versus real estate taxpayers or sales taxpayers locally is up to these four local county boards. And I'd be happy to answer any questions. I do want to say that I certainly have heard from bar associations who are concerned that our cost for access to our courts is getting on the high end in Illinois. And I would certainly think next year we should take a -- a real strong effort, a formal effort, either through some type of resolution to create a committee to study how we pay for our courts in Illinois -- but I've heard the bar associations' call for some type of study vis-a-vis how we are with the rest of the United States, and I would support that next fall. But there hasn't been an increase in these fees in more than a decade, and the burden has gone on mostly real estate taxpayers. And every now and then, lawyers and litigants need to help support the court systems that they use on a daily basis. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Chair would ask the Members to please -- the Chair would ask the Members to please keep your -- your -- your conversations down to a minimum, please. It's very hard -- very difficult to hear up here. Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Two questions for the sponsor. First of all, I would welcome that study regarding the cost to access the court system, and I would wonder, especially today as we're passing the ability to raise fees, what would the arguments be to -- you know, to reduce those fees, those that'd be appropriate to be made right now. But just a couple of factual pieces: Is it true, as I've read in some analysis, that it costs,

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in DuPage County, a county I represent, four hundred to five hundred dollars to access the courts?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Lauzen, that's probably a little high, but it can cost more than a couple hundred dollars to file some types of actions. And in the bill, we set maximums that they can charge, and there is a difference between what they are filing for. So, cases that, in theory, would cost less for the court system, the filing fees are not as high. But it can be a couple to three hundred dollars in some particular matters. But I do want to point out, for example, in Illinois, we are low on some ends. To probate, in most counties, is about a hundred and fifty dollars in Illinois, and it can cost up to seven hundred and fifty dollars in California. But I don't want to kid anybody: We probably are on the higher end of court filing fees. But our expenses in these four counties, with security, with technology, the fees are needed to pay for the cost of -- the ever-increasing cost of running these judicial systems in these four counties. And if lawyers and litigants don't help some of the cost burden, it goes on senior citizens and disabled and people who pay real estate taxes, who might own homes or small businesses in our communities. There's got to be a proper balance. We allow the county board to figure out what that proper balance is. And these fees have not been increased in more than a decade, and they are essentially around the rate of inflation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

So, it would be your -- it's your position that -- that the analysis or the correspondence that we've received that puts the

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figure between four hundred and five hundred - and that's the highest in the country - was -- I remember the quote from that letter, that that would be an exaggeration?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Yeah. Senator Lauzen, I think it is an -- an exaggeration; although, I do, as I look through the bill, find some fees for filing can be as high as two hundred and twenty-five dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Link.

SENATOR LINK:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Link.

SENATOR LINK:

Senator Dillard, what is the difference between this bill and Senate Bill 385, which we defeated with only 15 affirmative votes in the spring?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I think this bill only deals with the four largest counties, and I believe 385 had additional, more medium-size counties in it. So, this bill only is four counties, and the other one had additional counties in it, maybe eighteen or twenty more counties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

So, the fee structure which was in place, which I think most -- most of us objected to in the spring, would still be in place but it would only be four counties that will be getting a huge

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increase, and that would be Lake, DuPage, Will and Cook, instead of eighteen counties. So, that's the only difference in this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I think one of the differences, and I'd have to go back and look at 385. But I believe, here, there's a difference in the fact that it is up to the local county board. So, Lake, if they're -- your county board, Senator Link, doesn't want this, they don't have to impose it. We're just trying to give local governments the tools to hold down real estate taxes, primarily, in their counties. So, one of the big differences, I believe, is this is up to your local county board to do it. We're not doing it. The other one might have been mandatory. And then, this one doesn't have as many counties included. And the reason we're limited to four counties is, really, the major expenses - security and other things - of those four major metropolitan counties is different than a smaller county in downstate Illinois, where they don't have metal detectors and things of that nature.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Well, I -- I see the argument's changed a little bit since the spring. You know, now we're worrying about security. The -- the thing on this bill is, though, if I'm -- and correct me if I'm wrong, but I am almost positive - and you are the Chair of Local Government, and I sit on Local Government - through this bill, it was the same clarification, is that it was not a mandatory bill on the counties, that the counties had the option, in 385, also, to increase this, but one of the things that we said is we were guaranteed that all of these counties would increase it. That's

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one thing. And the other -- and the other part of that is, you made mention that this would be a burden -- if we don't pass this bill, it's going to be a burden on the -- the senior citizens and the disabled because of property tax. Can you assure me - and I'm asking that - can you assure me that there will be no property tax increase in any of these four counties?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I'm not a member of any of these four county boards. So, no, I can't positively assure you. I can definitely tell you that there will be a burden on real estate taxpayers, who will -- who will face more of a burden, because lawyers and litigants, in eleven years, have not had their fees increased for these types of access or use of the courts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

One final question. Who will be paying this fee increase right now? Will it not be the consumer the -- that -- if that disabled person has to file a case, if this elderly has to file a case - and I'm speaking as a non-lawyer - will they not have to pay this fee increase? Will they not be the ones that will shoulder the burden, as we are right now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Whoever uses the court has some small responsibility to help pay for that system. And, you know, it will be the litigants who will, for the first time in eleven years, when the numbers have gone up by about a hundred percent in cost, have to share a little bit of the cost of the system of the Judiciary in these four big

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counties, if the local county board deems that's the appropriate way to do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Dillard, to close.

SENATOR DILLARD:

Thank you. We have, for Cook and DuPage, already passed this type of legislation this Session. So, I don't want you to have the impression that this has failed before here, because we've done it for Cook and DuPage. Again, this is really nothing more than an inflationary fee increase, if a local county board decides to do it. And I would submit that this is one way to bring some balance between real estate taxpayers, sales taxpayers and those who use the court system, and we haven't done this for eleven years. There's local authority to do this, and I think it's -- it's needed. And I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1829 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 29 Ayes, 27 Nays, 1 voting Present. And House Bill 1829, having not received the required constitutional majority, is hereby declared passed {sic}. Senator Dillard.

SENATOR DILLARD:

I would request that this be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor requests Postponed Consideration. The Chair stands corrected: It was declared "failed". Not used to saying that too much. On page 2, in the Order of Senate Bills 3rd Reading, is -- is -- House Bills 3rd Reading, is House Bill 2299. Senator Hawkinson, do you wish this bill returned to 2nd Reading for the



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purposes of an amendment? Senator Hawkinson seeks leave of the Body to return House Bill 2299 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2299. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is Amendment No. 2 to Attorney General Jim Ryan's antiterrorism bill. In the Judiciary Committee hearing on Tuesday of this week, there were a number of suggestions for improvement in the bill. We have agreed with a number of those suggestions and they're incorporated in this Amendment No. 2, and I'm briefly going to go over the changes. Part of this bill, to enable our law enforcement officials in the State of Illinois to keep up with the ever-expanding technological advances of cell phones and E-mail and -- and other things, allows some -- some provisions for one-party eavesdropping, for wiretap capabilities and for oral search warrants. It was suggested in committee that we ought to have, perhaps, a sunset provision on those, and this amendment establishes a three-year sunset provision for each of those expansions. Another suggestion in -- in committee was in the definitional Section of "terrorist act", regarding death or great bodily harm, that we ought to have in there a specific intent provision, even though there's already a general intent provision in the underlying criminal Acts. We have placed that intention, to cause or create a risk of death or great bodily harm, in the definitional Section. Finally, one of the objections to the bill was that some limited portions of the bill had a provision where, arguably, a burden of proof on someone who

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had had their assets frozen or forfeited, that the burden of proof might be on the individual rather than on the government. We have combined the asset freeze and the seizure and forfeiture Sections under the terrorist provision, and under that provision, the burden of proof will always be on the... Thank you, Mr. President. The burden of proof for asset freeze and asset forfeiture will always be on the government and not on the person whose assets have been frozen or forfeited. That burden of proof will be by a preponderance of the evidence. I think with the other amendment that has been placed on this bill, that this bill is in -- is in good shape, but I would ask for the adoption of Amendment No. 2. Be happy to answer any questions related to Amendment No. 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I'm a cosponsor of the bill with Senator Hawkinson. We've been working with the Attorney General to improve the bill. Senator Hawkinson has done a -- a very good job at that, even before the bill was introduced. This is a further improvement to the bill. I would say that there are many people that still feel that there needs to be further amendments, but certainly this amendment is -- is an improvement to the bill and we should support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the middle of page 2, in the Order of House

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Bills 3rd Reading, is House Bill 2619. Senator Dillard. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2619.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a pretty simple change to the park district Sections of the statute and just clarifies that any golf -- or, any park district which has a golf course is allowed to, with local park district approval, be able to sell alcoholic beverages or have a golf cart with alcoholic beverages on it. It came to our attention that perhaps some of these golf carts that sell alcohol on a park district golf course might not technically be legal, and we're just clarifying it. I'd be happy to answer any questions, but I don't believe it's controversial. And I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2619 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 7 Nays, none voting Present. And House Bill 2619, having received the required three-fifths majority, is hereby declared passed. House Bill 2729. Senator Dillard. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2729.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

...you, Mr. President. This bill does two things. There's a change in here for Senator Jacobs' area up in the Quad Cities to allow a forest preserve district that operates a zoo, whose population fell slightly under a statutory limit that would authorize a forest preserve district to operate a zoo, to continue to operate this zoo, which they've operated since 1963, and that's a -- a -- really a technical change. And then the other part of this bill makes just technical changes or clarifications in a bill we passed a few years ago that allows DuPage County to create its own forest preserve district. In that bill, we shrunk the size of the actual county board, and it was our county board that really was a -- an entity which ran our forest preserve districts. These make technical changes in that law we passed a couple of years ago, dealing with vacancies and things like that, for the newly created DuPage County Forest Preserve. And this is really a technical change bill affecting DuPage County and the Quad Cities. I don't think it's controversial, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2729 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2729, having received the required constitutional majority, is hereby declared passed. We'll now go to the middle of page 8, in the Order of Motions in Writing to Override Total Vetoes. In the middle of page 8 of the regular Calendar is the

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Order of Motions in Writing to Override the Total Veto of the Governor. Senator O'Malley, on Senate Bill 1294. Madam Secretary, read the motion, please. Out of the record. Senate Bill 1522. Senator O'Malley. Out of the record. Supplemental Calendar No. 1 has been distributed on the Members' desks. If you'd bring your attention to the middle of Supplemental Calendar No. 1. The Order of Motions in Writing to Override Total Vetoes of the Governor. Senator Lauzen, on Senate Bill 603. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that Senate Bill 603 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Ladies and Gentlemen, Senate Bill 603 did two things: It required that when we use taxpayer-paid incentives for corporations to locate in the -- in the State, that written agreements about what the corporation will do, that -- that those are reduced to written agreement; secondly, that they keep their commitment when they receive our money, or if they leave or don't fulfill it, that they give back on a pro rata basis. It's a good bill. It was passed out of here unanimously, 57 to nothing. The Governor's objections were two. First of all, he said that it's unnecessary because it's already in the regulation. I would argue that there should be no objection then, if the concept is already agreeable, and there's a need to be sure that this is our policy in the State of Illinois. A regulation can be more easily changed than law. So, this is a matter of codifying what is already in the bill. The second concern that he raised was that Senate Bill 603 would require businesses to

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guarantee their economic performance and not reasonably consider the uncertain economic conditions that -- face every day. Well, I would say that, yes, the corporation does need -- and we -- each of us would insist that the corporation needs to keep their commitment to us when they get taxpayer money. For instance, when a fine company, Illinois company, like Motorola, lays off two thousand five hundred people in northern Illinois yet is reportedly investing 6.6 billion dollars in China, that they're -- they're able to do that; just don't take our money when a corporation locates manufacturing jobs in another country. Also to give consideration to the concern -- in this bill, there's a safety valve that if there's some unforeseen circumstance, the Director can make an exception to the law. So, with that, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. As Senator Lauzen had alluded to, this bill really is a duplicate of something we already have in place. It passed out of here unanimously because it was to be amended in the House. That was not done. I believe, since this does nothing, this is not one of those cases where half a loaf is better than no loaf, as the Senator has said. This is a time to work on what is good and not pass something just to have something that's already written in the other -- in the other laws. So, as the Governor said, the provisions of Senate Bill 603 are unnecessary, as the Department of Commerce and Community Affairs already requires the reimbursement of all State assistance if the company fails to meet specific job creation and/or retain goals. So, the DCCA also requires that all businesses receiving State incentives sign a written grant agreement that contains penalties if employers should fail to create or retain the requisite number

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of jobs or investment. So, since that is already law, I do not think that this is necessary, so I'm encouraging our Body to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur with many of the remarks of my -- my -- the prior speaker; however, there's nothing wrong about codifying what we want to do. And this legislation simply requires businesses to enter written incentive contracts with DCCA. Fine. But if the business fails to meet the certain requirements covered in the written agreement, the businesses are required to refund the State on a pro rata -- amount for the tax credit, tax exemption, grant or loan. I think this is more conclusive because it's codified, it's in the law. That's what has to be done, because we may have a different Director for DCCA - who knows? - and we don't know what they're going to do. But this is a very good conception, and I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Lauzen, you're not suggesting that DCCA is not doing their job, are you?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

No, I'm not.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, if -- if DCCA is doing their job, then why would this be necessary if they're doing their job? And I think they're doing a fine job over there, monitoring these companies. And I understand what you're doing, but if -- if the Department of Commerce and Community Affairs is already doing this and doing their job, isn't this duplicative and possible overkill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

I think that it's our job to protect the taxpayers' money. What this bill does is it puts into law, not just in the rules and regulations that can be changed by each administration, that when a corporation gives its word to do something, takes our taxpayer money, that, by golly, they're going to keep their word.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin.

SENATOR CRONIN:

Yes. I rise in strong support of the sponsor's motion. I find it sort of amusing that my colleagues on the other side of the aisle are arguing against the notion that corporate welfare ought to be -- ought to be something that's watched very carefully and there ought to be accountability. I mean, I think lots of my friends over there have been arguing for this exact measure for years. So, you ought to be standing up, screaming and hollering in favor of this. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much. Thank you. I appreciate the debate. I



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did not -- just for the record, number one, I did not have any conversation - any conversation - nor agree to amend this bill over in the House. So that's factually inaccurate. When an opponent says that this does nothing, I think that the point, in response to Senator Hendon's, this -- and ably argued by Senator Geo-Karis, that this codifies a practice. I think that that's accurate. If you feel that corporations ought to keep their word to the Illinois State taxpayers, I ask you to support this motion with an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 603 pass, the veto of the Governor to the contrary notwithstanding. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 23 Nays and 1 voting Present. And Senate Bill 603, having -- motion fails. ...of page 1 of Supplemental Calendar No. 1 is Motions in Writing to Accept the Specific Recommendations for Change. We have Senate Bill 653. Senator Lauzen. Senate Bill 653? Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 653, in manner and form as follows:

Amendment to Senate Bill 653

in Acceptance of Governor's Recommendations

Motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Let's see. What -- what this motion does is agrees to the amendatory veto. Basically what the Governor did was reduce the original penalties for not controlling

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a dangerous dog. And again, I think that this bill goes in the right direction, so I would ask for your support on the motion to accept the amendatory veto.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 653, in the manner and form just stated by Senator Lauzen. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the specific recommendations of the Governor as to Senate Bill 653, having received the required constitutional majority of Senators elected, are hereby declared accepted. Senator Hendon, what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. Senator Smith was attempting to be recognized on that last vote. She had a malfunction, I believe.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Smith, maybe your key is not turned. Please turn your light on. Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen. I just want to acknowledge that my vote was supposed to be in the affirmative on that and...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will reflect your intent was to have voted in the affirmative, Senator Smith. Thank you. If you bring your attention to the top of page 7 of your regular Calendar, we will be going to the Order of Secretary's Desk, Concurrence on Senate Bills. Top of page 7, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 385. Madam Secretary,

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read the motion.

ACTING SECRETARY HAWKER:

...move to not -- I move to nonconcur with the -- Amendment No. 1 -- House Amendment No. 1 {sic} to Senate Bill 385.

Motion filed by Senator Dillard. Amendment No. 4. Pardon me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. As the Madam Secretary just read, I would like to nonconcur on this and send it back over to the House for, perhaps, additional work.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard moves to nonconcur in House Amendments No. -- in House Amendment No. 4 to Senate Bill 385. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 396, offered by Senators Hendon and Cullerton.

(Secretary reads title of bill)

House Bill 862, by Senators Hendon and Cullerton.

(Secretary reads title of bill)

And House Bill 3103, by Senators Lightford and Hendon.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

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No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The -- motion carries, and the resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 44, offered by Senator Weaver.

(Secretary reads SJR No. 44)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 44. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Now Senator Weaver has moved for the adoption of Senate Joint Resolution 44. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. There any further business to come before the Senate? If not, Senator Geo-Karis moves the Senate stands adjourned until the hour of noon, Tuesday, November 27th, 2001. Happy Thanksgiving, everybody.